

## BOOK NOTICES.

*History of English Law.* By Sir Frederick Pollock and Frederick William Maitland. Cloth, 2 vols. Little, Brown & Co., Boston, 1895.

Incontestably the most important book received by the JOURNAL this year is this work of these admittedly paramount authorities on English law. Limited space allows only the barest outline of its characteristics. The spirit of the book is the same as that of the system of law with whose development it deals; pre-eminently a history of growth, never an abstract analysis of principles; its object is to supply data for discussion, argument and use, rather than theories for adoption. Opening with a clear review of the principal sources of English law, Anglo-Saxon, Roman, Norman, Frankish, and Scandinavian, the book then passes to the shaping of these materials by the Norman conquest and the Canon and Roman law, laying particular emphasis on the effects produced by the former and the work of practical organization done by the early Norman kings. Thence it goes through the long struggle between Common and Canon law, the victory of the former and its systematization under the great justiciars to a general summary of English law of the early Middle Ages. This branch first deals descriptively with tenure and the feudal doctrines in regard to land, a review explanatory of much that is peculiar in the modern law of real property. It next treats of status, with a valuable history of personal disabilities, of fictitious persons and corporations, and of boroughs. The second volume examines more in detail the specific branches of the common law, beginning with a comprehensive history of the idea of seisin. Its chapter on contract law is of especial interest in its demonstration of the fact that here more than in any other branch the common law felt the influence of the Roman, the former being so chiefly devoted to law of realty and so barren of contract rules, a natural result of a crude civilization. The volume concludes, after a discussion of various minor details, with the rules of personal relations and those of remedial law. One's feeling on finishing the book is that of having been shown the masonry at the foundations of the great structure of our modern law, as one might see the ground plan of a mediæval cathedral. The great value of the book lies in the new appreciation and reverence its readers will acquire for the hard-won, slowly constructed fabric of our law. To realize the

incalculable value of our civilization of to-day, or of one of its great factors, such as the common law, one must have seen its development and understood the labor that has been expended on its construction. This masterpiece of legal research makes such knowledge possible, and it is not too much to say that it will do for the history of English law what Green's work has done for the history of the English people.

*History of the Law of Real Property in the State of New York.* By Robert Ludlow Fowler, of the New York Bar. Sheep; Price, \$3.00. Baker, Voorhis & Co., New York.

We find here a neat volume of 229 pages containing a lucid exposition of the law of Real Property in the State of New York. Mr. Fowler traces the history of that law from its incipency down to the present time. The contents of the book may be tersely stated under four divisions of the subject matter: (1) Foreign law introduced by the settlers. (2) The effect of independence. (3) Condition of the law before revised statutes. (4) Condition of the law after the statutes. It will be at once seen that one of the striking features of the book is the reconciliation of the body of the law of real property to the lately revised statutes. To the practitioner this feature cannot but prove of value. The subject of Real Property is one of the most difficult for the student to comprehend, yet the brevity, clearness and simplicity with which Mr. Fowler has handled the difficult topics, contribute much to the ready conception of the student.

*New Criminal Procedure, or New Commentaries on the Law of Pleading and Evidence, and the Practice in Criminal Cases.* By Joel Prentice Bishop, LL.D. Fourth edition. A new work based on former editions. Volume I. General and Elementary. Sheep; 920 pages. T. H. Flood & Co., Chicago, Ill., 1895.

Mr. Bishop's works are so well and favorably known by the profession and the law students of this country, that it seems hardly necessary to call attention to their many admirable features. He has long been known as a forceful, independent and aggressive author and recognized as one of the foremost text-book writers of his generation. His works on criminal law are regarded as standard authorities. In this volume we have the first of a series, entitled "New Criminal Procedure," which is to be a companion series to the author's "New Criminal Law," which has already called forth most favorable comment. This volume is based on the former editions, but by comparison it is evident

that it has been re-written with great care, the text condensed by the adoption of a terse, clear style, and strengthened by the citation of many important recent cases. The author is thoroughly familiar with his subject, and enunciates the doctrines underlying it with great perspicuity. We like his logical development of the subject, by which the reader is led through all the preliminary steps in the apprehension of the accused, the method of securing a satisfactory indictment, the intermediate steps between indictment and trial, the manner of conducting the trial itself, with the proper method of introducing evidence, and the proceedings that may be taken subsequent to the verdict. Mr. Bishop, at the end of his introductory outline in the first chapter, closes with these words: "The details of procedure will appear as we proceed, all showing that he who would conduct well a prosecution or defense, must first become familiar with the entire science and practice of the criminal law. A stuffing for each occasion is not enough." We may safely add that one who masters this volume and is possessed of the requisite knowledge of the substantive law cannot fail to act for the prosecution or defense with credit to himself and those whose interests he represents.

*A Practical Treatise upon the Law of Judicial Writs and Process. In Civil and Criminal Cases. The Sufficiency, Validity, Amendment and Alteration of Process. Its Execution and Return, and the Powers and Liabilities of Officers thereunder. By William A. Alderson. Sheep; 667 pages. Price, \$6.00. Baker, Voorhis & Co., New York, 1895.*

It can seldom be said of a new law publication that "it fills a long-felt want;" but this is just what Mr. Alderson has done in his valuable book. To know what to put into a writ, and above all, to know what to leave out, is just where most of our lawyers are found wanting. In these days of code pleading no act, either of omission or commission, is often fatal. The right to amend spreads like the mantle of charity over the novice, and covers his multitude of sins. Yet there is a perfect standard even under the code, and it is certainly for the good of the profession that we should all approach to it. Then, too, one often wants to know how to take advantage of a defective process, and he wants to know it quickly. Mr. Alderson tells how to do this, and supports his own admirable ideas by cases compiled from a commendable research of the authorities. Among other points we notice a considerable space devoted to the service of writs. This, perhaps, is properly the work of the sheriff rather than of the lawyer, but

remembering some unpleasant, not to say embarrassing, situations brought about by not too intellectual officers, we advise every lawyer to be able to give points to his sheriff if need be. So, also, it is often puzzling to know just how to secure a binding acceptance of service, and just what is the effect of service upon a non-resident defendant. Mr. Alderson sets out this information with lucidity and precision. To every lawyer, and especially to every young lawyer, we unhesitatingly commend the book.

*The Road Rights and Liabilities of Wheelmen.* By George B. Clementson, of the Wisconsin Bar. Price 50 cents. Chicago: Callaghan & Co., 1895.

The bicycle as a means of locomotion has evidently come to stay. This essay is therefore opportunely published to define the status of the wheel and to give information to riders of their rights and duties in respect to the public highway. Mr. Clementson has made a successful and exhaustive collection and digest of the decided cases and where there are none upon important points he has ably reasoned from analogy. We commend the book to every wheelman.

*Hand-book of Criminal Procedure.* By William L. Clark, Jr. Sheep; 562 pages. Price, \$3.75. West Publishing Co., St. Paul, 1895.

The Horn-book Series is rapidly increasing, and will soon form a most satisfactory students' library. Mr. Clark, under the above name, contributes the seventh in the series. We have had time to give the book but a cursory examination, but are led from that to believe that it possesses the same merit that characterizes his work on criminal law, which we have examined with great care, and upon which we have before favorably commented. The author has divided the subject into fifteen chapters, in which he covers the entire field of criminal procedure. Among the more important are those devoted to a discussion of the apprehension of person and property; the preliminary examination; the mode of accusation; the pleadings, and the trial and verdict. We regard this volume as a most fitting companion volume to its predecessors. It possesses the same admirable features—black letter formulations of the fundamental doctrines, followed by the author's amplifications, which are supported by citations from carefully selected cases. Our own use of other volumes of this series, printed in this novel and original manner, leads us to warmly recommend them to law students, as the principles and rules are

more readily and permanently acquired than under the old method. The publishers deserve the gratitude of the law students of the country for their great advance in the art of publishing legal textbooks. In binding, indexing, quality of paper, and typography, the book is all that could be desired.

*The Pacific Reporter.* Volume XXXIX. Containing all the Decisions of the Supreme Courts of California, Kansas, Oregon, Colorado, Washington, Montana, Arizona, Nevada, Idaho, Wyoming, Utah, New Mexico, Oklahoma, and Court of Appeals of Colorado. February 28th,—May 2d, 1895.

This volume, the permanent edition of the Pacific Reports of the National Reporter System, contains all the decisions of the Supreme Courts of the above-mentioned States rendered during the months of March and April, together with a list of the presiding judges of those Courts. The cases are printed in large, clear type on a good quality of paper, and are thoroughly indexed, and the volume itself is substantially bound to withstand the constant use it is destined to receive.